UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/965
S/24494
26 August 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 150
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 26 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the letter from His Excellency Dato' Seri Dr. Mahathir Mohamad, Prime Minister of Malaysia, addressed to all the Heads of State and or Government of the 15 members of the Security Council concerning the situation in Bosnia and Herzegovina (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 150, and of the Security Council.

(Signed) Mohd. SINON Mudzakir
Chargé d'affaires a.i.

ANNEX

Letter dated 22 August 1992 from the Prime Minister of Malaysia addressed to all the Heads of State and or Government of the 15 members of the Security Council

For months the world has been witnessing with great pain so much killing and destruction in Bosnia and Herzegovina. The United Nations and the European Community have tried to do their part in bringing about peace and relief to the people of the country. However, there has been absolutely no progress in the European peace efforts and there have been repeated violations of cease-fires affecting United Nations relief efforts. Many of the resolutions passed by the United Nations Security Council have been ignored. The sanctions applied by the Security Council have not had any tangible effect. Instead, in recent weeks we have been witnessing the most horrendous crimes against humanity committed by Serbian nationalists against Muslim and Christian civilians in Bosnia and Herzegovina. Even United Nations peace-keepers have come under attack. What originated as internal turmoil due to the fragmentation of Yugoslavia has deteriorated into clear acts of aggression and armed intervention, in this case by Serbia and Montenegro against Bosnia and Herzegovina.

The daily bombardments of civilian population centres and recent horrific news about atrocities committed in the concentration camps and through the Serbian policy of ethnic cleansing have finally moved the Security Council to adopt resolution 770 (1992), providing for the use of all necessary means to bring relief supplies to the civilian population of Bosnia and Herzegovina and resolution 771 (1992), demanding access to the concentration camps. Like most of the other members of the international community, Malaysia welcomes the adoption of these resolutions. Regrettably, this latest action by the Council is far from enough as the situation in Bosnia and Herzegovina has turned for the worst. What is at stake now is not just the danger of mass starvation which the resolution is meant to address and the demand for access to the concentration camps, but to stop wanton acts of atrocities and killings of Bosnian Muslims and Christians by the Serbs and the destruction of Bosnia and Herzegovina as a nation.

Malaysia is convinced that the time has now come for the Council, for the sake of upholding human values and the rule of law, to take firm and forthright collective measures, including those provided for under Article 42 of Chapter VII of the Charter of the United Nations in order to restore peace and stability in Bosnia and Herzegovina as well as in the region.

There are a number of reasons why the Council should act in a decisive manner now. Firstly, no matter how well disguised, the war in Bosnia and Herzegovina involves acts of armed intervention and aggression by Serbia and Montenegro, which threaten the sovereignty, independence and territorial integrity of Bosnia and Herzegovina, one of the newest members of the United Nations. It is the responsibility of the United Nations Security Council to

restore and guarantee the sovereignty and territorial integrity of Bosnia and Herzegovina. The whole credibility of the Council and the concept of collective security rest on the willingness and ability of the Council to uphold international law, in particular, guaranteeing the sovereignty and territorial integrity of a Member State. The Council, particularly the permanent members, cannot choose where and when to exercise collective measures as provided for in the Charter of the United Nations. The Council must live up to the responsibility given to it by the Charter and respond positively to the increasing voice of the general membership of the United Nations calling for resolute action by the Council to uphold the rule of law.

Secondly, there are now very clear serious violations of human rights and international humanitarian law with regard to atrocities committed by the Serbs against innocent Bosnian Muslim and Christian civilians in the towns, villages and concentration camps. The Serbian policy of "ethnic cleansing" is despicable and, at this juncture in world history, the international community cannot possibly afford to be seen taking a feeble and tentative stand on this. The United Nations and other international bodies including the International Committee of the Red Cross (ICRC) should be careful not to undertake relief efforts in a manner that would ironically assist the Serbian policy of "ethnic cleansing". The Security Council has an obligation to use all means necessary to put an end to the atrocities and institute measures that would bring to justice those individuals and leaders responsible for war crimes in accordance with the relevant provisions of international law, including, the International Genocide Convention.

Thirdly, the Security Council cannot merely address the plight of Bosnian civilian population under siege and daily bombardments by the Serbs through United Nations relief efforts. The Council must also put an end to the siege and bombardments of many Bosnian civilian population centres by taking direct action against those responsible.

Fourthly, the Council should be concerned that the European peace initiative may well end in allowing the Serbs, who constitute a third of Bosnia's population, to gain two thirds of Bosnian territory and split the new nation apart. More importantly, it is naïve and delusory to think that Serbian armed intervention and aggression would stop at Bosnia and Herzegovina. Any form of endorsement of Serbian territorial gains through use of force and other illegal actions would only encourage their quest for a greater Serbia and this could well lead to even wider conflagration in the Balkans, threatening international peace and security further.

Malaysia believes that the Security Council has an obligation in the spirit of the Charter to take into consideration the views and be accountable to the general membership of the United Nations, and as the situation in Bosnia and Herzegovina has become so serious, I should like to appeal to you to agree to an urgent formal debate in the Council to consider the question of Bosnia and Herzegovina and take appropriate collective measures under the Charter to restore peace and stability in Bosnia and Herzegovina and in the region.